

By: Ellis

S.B. No. 227

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution and punishment of certain offenses
3 related to a false alarm or report or other form of hoax.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 42.06(b), Penal Code, is amended to read
6 as follows:

7 (b) An offense under this section is a state jail felony
8 [~~Class A misdemeanor~~] unless the false report is of an emergency
9 involving a public primary or secondary school, public
10 communications, public transportation, public water, gas, or power
11 supply or other public service, in which event the offense is a
12 [~~state jail~~] felony of the third degree.

13 SECTION 2. Section 46.01, Penal Code, is amended by adding
14 Subdivision (17) to read as follows:

15 (17) "Hoax chemical dispensing device" means a device
16 that:

17 (A) reasonably appears to be a chemical
18 dispensing device; or

19 (B) by its design causes alarm or reaction of any
20 type by an official of a public safety agency or a volunteer agency
21 organized to deal with emergencies.

22 SECTION 3. Section 46.08, Penal Code, is amended to read as
23 follows:

24 Sec. 46.08. HOAX BOMBS OR CHEMICAL DISPENSING DEVICES. (a)

1 A person commits an offense if the person knowingly manufactures,
2 sells, purchases, transports, or possesses a hoax bomb or a hoax
3 chemical dispensing device with intent to use the hoax bomb or
4 device to:

5 (1) make another believe that the hoax bomb or device
6 is an explosive, ~~[or]~~ incendiary, or chemical dispensing device, as
7 applicable; or

8 (2) cause alarm or reaction of any type by an official
9 of a public safety agency or volunteer agency organized to deal with
10 emergencies.

11 (b) An offense under this section is a state jail felony
12 [~~Class A misdemeanor~~].

13 SECTION 4. (a) The change in law made by this Act applies
14 only to an offense committed on or after the effective date of this
15 Act. For purposes of this section, an offense is committed before
16 the effective date of this Act if any element of the offense occurs
17 before that date.

18 (b) An offense committed before the effective date of this
19 Act is covered by the law in effect when the offense was committed,
20 and the former law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect September 1, 2003.